

# **EXHIBIT D**



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**New York District Office**

33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004-2112  
For General Information: (800) 669-4000  
TTY: (800) 669-6820  
District Office: (212) 336-3630  
General FAX: (212) 336-3625

Edmund Bryan  
c/o Armani B. Scott, Esq.  
Attorney at Law  
55 Washington Street  
Suite 70  
Brooklyn, NY 11201

**Re: Edmund Bryan v Memorial Sloan-Kettering**  
**EEOC Charge No.: 520-2007-01766**

Dear Mr. Bryan:

The Equal Employment Opportunity Commission (EEOC) has concluded its inquiry into your allegations of discrimination. The EEOC has implemented charge prioritization procedures. The procedures which are based on a reallocation of the Commission's staff resources call for us to focus our resources on those cases that are most likely to result in findings of violations of the laws we enforce. In accordance with these procedures, the Commission has evaluated your charge based upon the information and evidence gathered during the processing of your case. Our review of the evidence in your case, including the information you have provided, fails to indicate that a violation has occurred and it's not likely that additional information will result in our finding a violation.

You have alleged that you have been discriminated and retaliated against because of your race (Black), color (Black), national origin (Jamaican) and sexual orientation (perceived). You allege that you were passed over for a promotion to the position of Lead Technician as a result of complaining to your supervisors about the discrimination you feel you experienced. The EEOC has no jurisdiction over charges of discrimination based on sexual orientation and therefore we will not address that claim here.

Respondent denies all allegations of discrimination. Respondent claims that your uncooperative attitude, lack of interpersonal skills and failure to apply for the posted position were cause of your failure to achieve the position of Lead Technician. Respondent further claims that it conducted an investigation into your complaint of discrimination and found that there was no offense committed against you.

Respondent has proffered legitimate non discriminatory reasons for its actions and there is no evidence to support your allegation of discrimination. Given the extent of the Respondent's response to your allegations (copy) of the position statement is enclosed), it is very unlikely that the EEOC would find a violation if it invested additional resources into this case. Therefore,

your charge is dismissed. Your Determination/Notice of Right to Sue is enclosed. The determination is final. If you wish to pursue the charge on your own, you may file a lawsuit on your own in Federal District Court using the Notice of Right to Sue, within 90 days of your receipt of it.

JUN 12 2007

Date

H. C. Stewart

Hazel C. Stewart

Supervisory Investigator

Enclosure